

**REGULAR MEETING
CITY COUNCIL
September 7, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MRS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** September 7, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier

ORD. #1

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO ACCEPT STATE FUNDS FOR SERVICES
RELATED TO THE DEFY PROGRAM**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

General Fund 2006 Budget Amendment – DEFY Program

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 24, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by McGrath

ORD. #2

**ORDINANCE AMENDING THE 2006 COMMUNITY DEVELOPMENT BUDGET TO TRANSFER
 FUNDS FOR SERVICES RELATED TO
 THE LATCHKEY SCHOLARSHIP PROGRAM**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 COMMUNITY DEVELOPMENT Budget is herein amended as set forth in Schedule A entitled:

CD Budget Amendment – LATCHKEY Program

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 24, 2006

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by _____

**REFERRED TO PUBLIC HEARING
 Thurs., Oct. 5, 2006 @ 6:45pm**

ORD. #3

**ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
BUDGETS TO TRANSFER BALANCES FROM
CERTAIN INACTIVE ACCOUNTS TO FUND CURRENT ACTIVITIES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Community Development Block Grant Budget is herein amended as set forth in Schedule A:

“PRIOR YEAR CDBG BUDGET AMENDMENT”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 24, 2006

David Mitchell, Corporation Counsel

Ordinance Referred to Public Hearing

Ayes: 0

Noes: 0

Abstain: 0

Ordinance No. 4 **Date** September 7, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Ryan

ORD. #4

**ORDINANCE AMENDING THE 2006 SPECIAL REVENUE BUDGET
TO ACCEPT FUNDS FROM THE NEW YORK STATE EDUCATION DEPARTMENT RESULTING
FROM AWARDS RELATED TO THE LOCAL GOVERNMENT
RECORDS MANAGEMENT IMPROVEMENT FUND GRANTS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

Special Revenue Fund 2006 Budget Amendment – Records Management

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 24, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date September 7, 2006

Introduced by Council Member Bauer

At the request of Administration Seconded by McGrath

ORD. #5

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

September 2006 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 24, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Dunne

ORD. #6

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO
 ACCEPT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF CRIMINAL JUSTICE
 SERVICES FOR THE PURPOSE OF ADDING
 A FIELD INTELLIGENCE POLICE OFFICER POSITION**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

Additional Police Officer Position – Impact Grant

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 31, 2006

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Krogh
 Motion to AMEND by Council Member DerGurahian Seconded by Dunne

ORD # 7

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE
 PRIVATE SALE METHOD OF CITY OWNED REAL PROPERTY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to Chapter 83 of the Code of Ordinances, the Bureau of Surplus Property has received a private purchase offer on a parcel located on Third Street with an S/B/L: 101.69-1-5, deeded to the City of Troy by the Lanzillo family for a war memorial.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property, as desired by the to the following named purchaser for the sum below indicated which is hereby determined to be a fair price, given the easement and deed restrictions, for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: Red Front Restaurant

PURCHASE PRICE: **\$1.00** plus closing costs as defined herein.

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall close title to this property as directed by the Corporation Counsel. The purchaser shall pay the purchase price, plus all filing fees as determined and charged by the Rensselaer County Clerk and closing fee of \$300.00 and any prorated taxes due on the parcel through **December 31, 2005**, and Troy School taxes **through June 30, 2006**.
- B. Upon the 1st day of **January 2007**, taxes and other assessments shall become due and payable by the purchaser **except all water and sewer rents, which shall be charged from the date of this conveyance.**
- C. This conveyance is made subject to the condition that the Red Front Restaurant shall maintain the entirety of the memorial on the property, consistent with the desires of the Lanzillo family, until such time the County constructs a war memorial to consolidate the ward memorials at one single location. The Corporation Counsel shall insert a restrictive covenant in the deed stating that a portion of the lands transferred shall remain for the memorial until such time when the war memorials are consolidated in to one monument. Additionally, the Corporation Counsel shall insert an easement in the deed that allows for public access to view the memorial so long as it is in existence. If, at any time, the purchaser, his successor, or assigns shall fail to adequately maintain the memorial in a manner consistent with the desires of the Lanzillo family and consistent with memorial standards of decorum, the City of Troy has a right to re-enter the property without refunding the purchase price.
- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to: filing fees, deed stamps and attorneys fees.

Section 4. The said real property is described as follows:

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, August 31, 2006

David B. Mitchell, Corporation Counsel

Motion to AMEND Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Ordinance as AMENDED was ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Not Endorsed, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Wojcik

RES. #1

**RESOLUTION AUTHORIZING MAYOR TUTUNJIAN-
 ON BEHALF OF THE CITY-TO ACCEPT A GIFT OF
 A 1994 GMC TROLLEY FROM JOHN HEDLEY**

WHEREAS, the City of Troy is desirous of taking title to a 1994 GMC Trolley currently owned by John Hedley, and

WHEREAS, John Hedley, who is an accomplished commercial developer, property owner and life long supporter & friend of the City of Troy desires to convey title to a 1994 GMC Trolley to the City of Troy, and

WHEREAS, Mayor Tutunjian desires to accept title to this Trolley and to eventually establish Trolley service along River Street in the City of Troy.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes Mayor Tutunjian to accept title of a 1994 GMC Trolley from John Hedley.

Approved as to form, August 25, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by McGrath

**RESOLUTION ADOPTING THE NATIONAL INCIDENT
MANAGEMENT SYSTEM (“N I M S”)**

WHEREAS, in Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state’s ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations’ training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Troy and Mayor Harry J. Tutunjian hereby mandates the National Incident Management System be utilized for all incident management in the City of Troy, New York and this shall take effect immediately.

Approved as to form, August 24, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by DerGurahian

RES. #3

**RESOLUTION REQUESTING GRANT FUNDING FROM THE
 NEW YORK STATE CANAL CORPORATION TO IMPLEMENT
 THE ERIE CANAL GREENWAY PROGRAM**

WHEREAS, the New York State Canal Corporation is soliciting projects to implement Governor George E. Pataki's vision for an Erie Canal Greenway, first proposed by the Governor in May 2005, and

WHEREAS, the December 2005 report released by the New York Canal Corporation Interagency Task Force, entitled "Report on the Future of New York State Canals", recommended a voluntary, collaborative strategy for providing assistance to communities along all four canals of the New York State Canal System through a canal-wide "greenway" program, and

WHEREAS, funding for a grant program to implement the vision of the Governor and the recommendation of the Task Force was approved in the 2006-2007 New York State Budget, and \$6 million is available under four grant categories.

NOW THEREFORE BE IT RESOLVED, the City of Troy supports the creation of a voluntary Erie Canal Greenway, as proposed by the Governor and recommended in the Report by the Interagency Task Force, based upon six (6) principles, including: (1) waterfront public access; (2) tourism; (3) recreational development; (4) natural and cultural resource protection; (5) local and regional planning; and (6) economic revitalization, and

The City of Troy supports the submission of an application for funding from the New York State Canal Corporation through the Erie Canal Greenway Grant Program in the amount of \$136,000.00 for the project entitled "Troy Maritime Welcome Center."+

Approved as to form, August 24, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-13-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 Date September 7, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Campana

RES. # 4

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE
 MEMORANDUM OF UNDERSTANDING WITH THE CAPITAL DISTRICT
 TRANSPORTATION COMMITTEE AUTHORIZING THE CONGRESS &
 FERRY STREET CORRIDOR – MIXED USE DEVELOPMENT**

WHEREAS, the City of Troy (hereinafter- “the City”) has requested funds form the Capital District Transportation Committee (hereinafter- “the CDTC”), the Metropolitan Planning Organization for the Capital District through the Community and Transportation Linkage Planning Program for the Congress & Ferry Street Corridor – Mixed Use Development Study, and

WHEREAS, the CDTC has approved the Congress & Ferry Street Corridor – Mixed Use Development Study in its 2006-08 Unified Planning Work Program, and

WHEREAS, the approved study cost is \$40,000.00, \$30,000.00 of which shall be paid for with Federal Planning Funds (Linkage Funds) and \$10,000.00 by Local Cash Match, and

WHEREAS, work on the approved study will be performed by a consultant in a time period to be specified in the contract, and

WHEREAS, the parties will jointly guide the consultant with the assistance of a Study Advisory Committee that will include, at a minimum, one staff member of the CDTC, and

WHEREAS the parties desire to set forth the rights and responsibilities in facilitating the study as defined in the Memorandum of Understanding, as attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorized the Mayor to execute the Memorandum of Understanding, with the Capital District Transportation Committee authorizing the Congress & Ferry Street Corridor – Mixed Use Development, as attached hereto and made a part hereof.

Approved as to form, September 1, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 **Date** September 7, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier

RES. # 5

**RESOLUTION AUTHORIZING MAYOR TUTUNJIAN TO SUBMIT THE
 GRANT APPLICATION CONSISTENT WITH THE REQUEST FOR FUNDING
 PROPOSALS (“RFFP”) FOR THE “RESTORE NY COMMUNITIES
 INITIATIVE” MUNICIPAL GRANT PROGRAM**

WHEREAS, Governor Pataki and the State of New York have recently announced the “Restore New York Communities Initiative” where, in partnership with the Empire State Development Corporation, the initiative seeks to provide assistance to municipalities to help finance ongoing efforts to revitalize urban centers, encourage economic development, and add value to the community housing stock, and

WHEREAS, Mayor Harry J. Tutunjian desires to make application, on behalf of the City of Troy, for the maximum grant allowed in the amount of Five (5) Million dollars, and

WHEREAS, the City Council of the City of Troy has read the application, with the supporting documentation, as attached hereto and made a part hereof, and has concluded: the proposed project(s) are consistent with the existing local comprehensive plan; the proposed financing is appropriate for the specific facility or project; the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and where applicable, the project(s) develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

NOW THEREORE BE IT RESOLVED, that the City Counsel of the City of Troy hereby authorizes the Mayor to submit the grant application consistent with the Request for Funding Proposals (“RFFP”) for the “Restore NY Communities Initiative” Municipal Grant Program, consistent with the application and proposed projects attached hereto and made a part hereof.

Approved as to form, September 1, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-13-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 6 Date September 7, 2006

Introduced by Council Member Bauer

At the request of Administration Seconded by Ryan

RES. # 6

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, September 1, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 09-12-06 for Executive Action – Approved, returned 09-22-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by McGrath

Meeting adjourned at 8:15pm.